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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,943	01/10/2001	Stephen Huxter	25350-704	9632

21971 7590 03/11/2004

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EXAMINER

WEBB, JAMISUE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/758,943

Applicant(s)

HUXTER, STEPHEN

Examiner

Jamisue A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they are replete with errors. There are multiple reference numerals in the drawings, which are not mentioned in the specification, and there are also multiple reference numerals in the specification which are not located in the drawings. The examiner suggests correcting the specification as well as the drawings to make sure each and every reference numeral must be located in each the specification as well as the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 8 recites the limitation "the lock" in line 2. There is insufficient antecedent basis for this limitation in the claim.

5. Claims 9-11 recite the limitation "the first and second scheduling message". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 8-12, 17-23, 25-30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda (6,085,170) in view of Attendahl et al. (6,571,213).

8. With respect to Claims 1, 12, 17, 18, 21, 23, 25, 28 and 30: Tsukuda discloses a method of arranging a delivery (see abstract) of an item ordered over the Internet (column 2, lines 37-41), where a first address is received (column 4, lines 62-67) and a collection point for delivery (referred to as an agent) is determined (column 9, lines 38-46, Figure 12) from an agent server (113, Figures 13). Tsukuda discloses the collection point for delivery contains a plurality of lockers (column 9, lines 38-46). Tsukuda also discloses the use of a courier database, located on a third server, where a courier is selected from (column 10, lines 13-22). Tsukuda however fails to disclose multiple orders from multiple customers being shipped together to one collection point address. Attendahl discloses the use of a batch order process, load consolidation process, and where the delivery fees are calculated per order and the rates are then prorated (column 5, lines 36 to column 6, line 17, and column 7, lines 34-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the orders of Tsukuda, be consolidated and prorated, as disclosed by Attendahl, in order to cut down on delivery cost (See Attendahl, columns 7 and 11).

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9. With respect to Claims 2, 19, 20 and 27: See above for Claim 1 as well as Tsukuda, Column 10, lines 23-30.
10. With respect to Claim 3: Tsukuda discloses a time range for delivery being the same day as well as within two hours (See Figure 3) and Attendahl discloses the use of next day air (Column 3, lines 50-51).
11. With respect to Claim 8: See Tsukuda, Column 8, lines 36-39 and Column 10, lines 52-57.
12. With respect to Claim 9, 10 and 11: See Tsukuda, Abstract and Column 5, lines 15-18.
13. With respect to Claim 22: See Attendahl, Column 7, lines 50-64.
14. With respect to Claim 26: See Attendahl, Figure 4.
15. With respect to Claim 29: See Tsukuda, Column 10, lines 22-67.
16. With respect to Claim 33: See Tsukuda, Column 4, lines 14-19.
17. Claims 4-7, 12-16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda and Attendahl.
18. With respect to Claims 4, 5, 12, 13, and 21: Tsukuda, as disclosed above for Claim 1, teaches the use of a collection point with a plurality of lockers and discloses batch processing with consolidation of loads, but fails to disclose the collection point being the closest collection point to the 1<sup>st</sup> and 2<sup>nd</sup> address. It is obvious and well known in the art that when delivering a package or mail to a different location other than the residential address, that it will be delivered to the closest point. For example when mail is sent from one place to another, it must first go to a local post office, before being delivered to the residential address. The mail will go to the

closest post office to the individual. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the closest collection point to the 1<sup>st</sup> address for ease of delivery and pick up.

19. With respect to Claims 6, 7, 14, 15, 16: As explained above, it is obvious to choose a collection point that is closest to the delivery addresses, however Tsukuda and Attendahl do not expressly disclose the collection points being within a radius of the residential addresses. At the time the invention was made, it would have been obvious matter of design choice to a person of ordinary skill in the art to have the collection point within a 20 mile, 10 mile, 5 miles or 5km radius from the addresses, because Applicant has not disclosed that these specific distances provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the collection point being the closest post office because it is commonly known that each town has a post office that is convenient for the residential customer as well as convenient for the delivery of mail. Furthermore, it has been held that where general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

20. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda in view of Attendahl as applied to claims 21 and 23 above, and further in view of Kirsch (5,963,915).

21. Tsukuda and Attendahl, as disclosed above for Claim 27, disclosed the use of the orders being placed on the internet, but fails to disclose the preferred collection point being embedded in a cookie. Kirsch discloses the use of a purchasing agreement being doing over the internet

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where cookies are used for purchaser information such as addresses and preferences (column 7, line 43 to column 8, line 20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have information such as addresses embedded into a cookie, as disclosed by Kirsch, in order to eliminate redundant user input when completing a transaction over the internet (see Kirsch Column 2)

22. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda in view of Attendahl as applied to claims 21, 27-30 above, and further in view of Kaarsoo et al. (5,475,378).

23. Tsukuda and Attendahl, as disclosed above, discloses the use of a locker with a keypad able to receive codes, but fails to disclose the use of a password. Kaarsoo discloses the use of an electronic access control mail box system with access to the box being given by the use of passwords (column 4, lines 27-30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the access code of Tsukuda, Attendahl and Ogilvie, be a password, as disclosed by Kaarsoo, in order to provide a high level of protection against unauthorized access to the system. (See Kaarsoo, column 4).

24. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsukuda in view of Attendahl in view of Kaarsoo, as applied to claims 21, 27-31 above, and further in view of Ogilvie et al. (6,344,796).

25. Tsukuda, Attendahl and Kaarsoo, as disclosed above, teaches the use of a collection point with a plurality of lockers, but fails to disclose the use of an identifier which is specific to the carrier. Ogilvie discloses a collection point with a plurality of lockers with a unique identifier for each courier (column 4, line 54 to column 5, line 30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the code of Tsukuba be an courier identifier, as discloses by Ogilvie, in order for the controller system to identify and monitor the flow of goods into and out of the locker (See Ogilvie, columns 3 and 4).

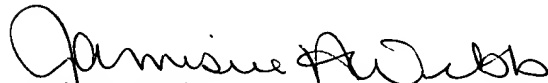
### *Conclusion*

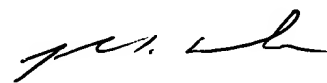
26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Wojcik et al. (5,666,493) discloses an order consolidation process, Watabe (5,223,829) discloses the use of electronic automated lockers, Tateno et al. (4,836,352) discloses the use of a package collection locker, Barns-Slavin et al. (5,995,950) discloses the use of discounts for multiple parcels, Stephens et al. (6,223,782) discloses the use of an unattended delivery system, Komei (4,894,717) discloses the use of a delivered article storage system, and Porter (5,774,053) discloses the use of a storage device for the delivery and pick up of goods, Griffen et al. (WO 01/37712) discloses the use of an unattended transfer device for outbound shipment of packages, and Mailboxes Etc. ([www.mbe.com](http://www.mbe.com)) offers a 3<sup>rd</sup> party location for the delivery of mail and packages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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